

ORDINANCE NO. 2014-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, AMENDING THE GRAPEVINE CODE OF ORDINANCES CHAPTER 16 PARKS AND RECREATION BY AMENDING AND REPLACING SECTION 16-18; PROHIBITING USE OF ELECTRONIC CIGARETTES AND TOBACCO PRODUCTS IN PARKS AND PARK FACILITIES; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Grapevine is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, the City Council (the "City Council") of the City of Grapevine, Texas (the "City"), finds and determines that the City currently regulates the use of tobacco products in public parks and park facilities; and

WHEREAS, the City Council finds and determines that sale and use of electronic cigarettes ("e-cigarettes") is increasingly popular; and

WHEREAS, the City Council finds and determines that the use of e-cigarettes is not emission-free; and

WHEREAS, the City Council finds and determines that the emission of e-cigarettes is a source of passive exposure to the substances contained in the mist of electronic cigarettes; and

WHEREAS, the City Council finds and determines that it is the right of all citizens to choose whether to smoke actively or passively and that the parks and park facilities should therefore be a smoke-free environment; and

WHEREAS, the City Council finds and declares that the meeting at which this ordinance is considered is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS:

Section 1. That the statements contained in the preamble to this ordinance are hereby adopted as findings of fact and as a part of the operative provisions hereof.

Section 2. That the City of Grapevine Code of Ordinances Chapter 16 is hereby amended by amending and replacing Section 16-18. Tobacco free parks and park facilities as follows:

"Sec. 16-18. Tobacco and E-cigarette free parks and park facilities.

- (a) It shall be unlawful for any person to smoke E-cigarettes or tobacco or chew or dip tobacco or snuff at any parks or park facility owned or leased by the City of Grapevine that has been posted "This Park/Park Facility is Tobacco and E-cigarette Free."
- (b) The City Council shall by resolution designate any city owned or leased park or park facility as tobacco and E-cigarette free and upon such designation, the city manager or his designee is authorized to post signs giving notice that such action is prohibited in such park or park facility.
- (c) In this section, "E-cigarette" means any electronic device that is designed to deliver nicotine or other chemicals or substances by creating a vapor or mist that is deliverable to the user through inhalation in the simulation of smoking. This term shall include every version and type of such devices whether they are manufactured or marketed as electronic cigarettes, e-cigarettes, electronic cigars, e-cigars, electronic pipes, e-pipes, or under any other product name or description."

Section 3. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

Section 4. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall upon final conviction thereof be fined in the amount not to exceed five hundred dollars (\$500.00).

Section 5. That if any section, subsection, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

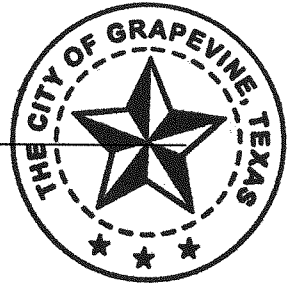
Section 6. That the fact that the present ordinances and regulations of the City of Grapevine, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
GRAPEVINE, TEXAS on this 18th day of March, 2014.

APPROVED:



William D. Tate
Mayor



ATTEST:



Jodi C. Brown
City Secretary

APPROVED AS TO FORM:



John F. Boyle, Jr.
City Attorney